



PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
PO Box 093  
TRENTON, NJ 08625-0093

GURBIR S. GREWAL  
*Attorney General*

MICHELLE L. MILLER  
*Director*

February 27, 2019

VIA HAND DELIVERY

John R. Zera, Calendaring Unit  
Superior Court, Appellate Division  
R.J. Hughes Justice Complex  
P.O. Box 006  
Trenton, New Jersey 08625-0006

Re: I/M/O New Jersey Pinelands Commission Resolution  
PC4-16-42 and I/M/O New Jersey Pinelands  
Commission Resolution PC4-17-03  
Docket Nos. A-002015-16, A-003055-16, A-003310-16

Dear Mr. Zera:

Please accept this letter on behalf of Respondent New Jersey Pinelands Commission (Commission) requesting an adjournment of the April 9, 2019 oral argument in the above-referenced appeals. Today, Intervenor RC Cape May Holdings LLCs (RC Cape May) stated, for the first time, that the B.L. England electric generating plant (BLE) will not repower and will not be using the South Jersey Gas (SJG) pipeline. That filing offers new, important information requiring further consideration by the relevant state entities.

First, the fact that BLE will not use the pipeline undermines the basis for the substantive approval at issue in this appeal. The Pinelands Comprehensive Management standard requires that the pipeline "primarily serve only the needs of the Pinelands." N.J.A.C. 7:50-5.23(b)(12). The Commission's Executive Director's Report, adopted by the Commission in its approval, found that "because the proposed pipeline serves the BLE plant, an existing Pinelands business, more than 95% of the time, it primarily serves only the needs of the Pinelands." (Appellants' Combined Appendix at 841a).



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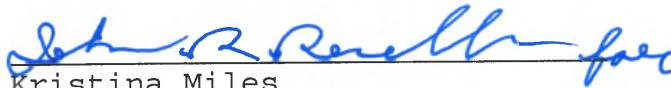
Second, the new information directly implicates a condition that the Commission placed on its approval. Specifically, Condition 10 of the Executive Director's Report requires a new application to the Commission if there is a "redirection of any portion of the proposed 125,000 MCF gas flow from the BL England plant." (Appellants' Combined Appendix at 860a).

The changed circumstances identified in RC Cape May's filing thus necessitate further review. For these reasons, the Commission respectfully seeks an adjournment of the April 9, 2019 oral argument.

Sincerely yours,

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By:



Kristina Miles  
Deputy Attorney General

Cc: Rachel Rosenberg, Esq.  
Ira G. Megdal, Esq.  
Renee Steinhagen, Esq.  
James M. Graziano, Esq.  
Christopher P. Massaro, Esq.